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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/537,463

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EXAMINER

ADEGEYE, OLUWASEUN

ART UNIT

PAPER NUMBER

2481

MAIL DATE

DELIVERY MODE

11/17/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/537,463	Applicant(s) DAMSTRA ET AL.	
	Examiner OLUWASEUN A. ADEGEYE	Art Unit 2481	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/21/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/21/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 4 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 - 5 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Supreme Court precedent and recent Federal Circuit decisions indicate that a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claims recite a series of steps or acts to be performed, the claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process. For example, a method of recording data and a method of retrieving data is of sufficient breadth that it would be reasonably interpreted as a series of steps completely performed mentally, verbally or without a machine.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1- 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Rundell (US 4,633,391).

As to claim 1, Rundell discloses a method for recording data, said method being implemented on a video recorder (see column 4, lines 7 – 20. “.....Once transferred to the storage device 6, the data to be recorded is enabled by the device microprocessor 7 to pass into the device buffer 8 and thereafter onto the disk 9 where it is recorded.”) and comprising the steps of:

recording, using said video recorder, a data container having a given container length (see fig. 9 and column 7, lines 20 – 29. The data container is the target key, pointer table, key start and key length)

recording, after the data container and using said video recorder, a key indicative of a back-pointer (see fig. 8 i.e. pointer table 1, pointer table 2 and pointer table 3 also see column 3, lines 6 - 10);

recording, after the key and using said video recorder, a length indicator (see fig. 9. Figure 9 clearly discloses a length indicator (key length) also see column 7, lines 18 – 19); and

recording, after the length indicator and using said video recorder, a value

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indicative of the container length (see fig. 9. Figure 9 clearly discloses values of 10, 5 and 2 indicative of the container length. Also see column 7, lines 26 – 28).

As to claim 2, Rundell discloses a method according to claim 1, with the further step of:

re-recording the length indicator after the value (see column 2, lines 8 – 12. “.....it is relatively easy to re-record the data.....”). The above cited column discloses re-recording data on a storage medium and the re-recorded data will include re-recording the length indicator.

As to claim 3, Rundell discloses method according to claim 2, with the further step of:

re-recording the key indicative of the back-pointer after the re-recorded length indicator (see column 2, lines 8 – 12. “.....it is relatively easy to re-record the data.....”). The above cited column discloses re-recording data on a storage medium and the re-recorded data will include re-recording the key indicative of a back pointer.

As to claim 4, Rundell discloses a method for retrieving a set of data on a medium in an order opposite to the recording order(column 3, lines 22 – 23 and column 7, lines 39 – 60 disclose going back and forth in a recording medium to retrieve recorded data by using pointer tables), said method being implemented on a video player and comprising the steps of:

accessing, using said video player, a different set of data recorded after the set of data, the different set of data comprising

a key indicative of a back-pointer(see fig. 8 i.e. pointer table 1, pointer table 2 and pointer table 3 also see column 3, lines 6 - 10);

a length indicator (see fig. 9. Figure 9 clearly discloses a length indicator also see column 7, lines 18 – 19) and

a value indicative of a container length of the set of data (see fig. 9. Figure 9 clearly discloses values of 10, 5 and 2 indicative of the container length. Also see column 7, lines 26 – 28) and

accessing, using said video player, the set of data using said value (see column 7, lines 25 - 29. ".....Key length having a value of 10 representing the number of positions in the entire register starting from the first position. With the registers filled as provided, the search can be initiated.")

As to claim 5, Rundell discloses method according to claim 4, wherein the sets of data are key-length-value (KLV) encoded (see column 2, lines 50 - 54. The above cited column clearly discloses recording on a disk a key value which has a length indicator. Also see fig. 9).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUWASEUN A. ADEGEYE whose telephone number is (571)270-1711. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on 571-272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

11/01/2010

/O.A/

/Peter-Anthony Pappas/
Supervisory Patent Examiner, Art Unit 2481